

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RANDY FORTUNATO,

Plaintiff,

v.

SUNRISE CREDIT SERVICES, INC., *et al.*,

Defendants.

Case No. 2:11-CV-01798-KJD-PAL

**ORDER**

Presently before the Court is Plaintiff's Motion to Dismiss with Prejudice (#14). Plaintiff seeks leave to voluntarily dismiss his complaint against Defendant DECA FINANCIAL SERVICES, LLC who has not filed an answer or motion for summary judgment. Therefore, the Court grants the motion to dismiss with prejudice.

Also before the Court is Plaintiff's Motion for Leave to Amend Complaint (#11). However, Plaintiff's attached amended complaint reasserts claims against two parties, Defendant DECA FINANCIAL SERVICES, LLC and SUNRISE CREDIT SERVICES, INC., he has voluntarily dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41. Accordingly, Plaintiff's motion to amend is denied without prejudice. Should Plaintiff choose to move again to file an amended complaint, he must not include dismissed parties and his motion must address how the

1 amendments would cure any deficiencies asserted by Defendant Brachfeld Law Group, P.C. in its  
2 Motion to Dismiss (#16).

3 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion to Dismiss with Prejudice  
4 (#14) is **GRANTED**;

5 IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to Amend Complaint (#11) is  
6 **DENIED without prejudice**.

7 DATED this 30<sup>th</sup> day of March 2012.

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Kent J. Dawson  
United States District Judge  
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